IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SERGIO	MENDEZ	JUAREZ,)	
		Plain [.]	tiff,))	
		V .)	1:14CV821
)	1.1400023
UNITED	STATES	OF AMERICA,	et al.,)	
	Defendant(s).)		

ORDER

On October 3, 2014, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Plaintiff timely filed an objection (Doc. 4) to the Recommendation.

The court has reviewed the portions of the Magistrate Judge's report to which objection was made and has made a *de novo* determination, which is in accord with the Magistrate Judge's Recommendation. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action is dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint or habeas petition, on the proper forms, which corrects the defects cited in the Magistrate Judge's Recommendation.

/s/ Thomas D. Schroeder United States District Judge

October 31, 2014